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Attorneys for Defendant GB II Corporation,
dba Columbia River Knife & Tool Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
GREAT AMERICAN TOOL COMPANY, INC.,	:
a New York Corporation,	:
	:
Plaintiff,	:
	:
- against -	:
	:
COLUMBIA RIVER KNIFE AND TOOL CO., an	:
Oregon Corporation,	:
	:
Defendant.	:
-----X	

Civil Action No: 07 CV 2905(RJS)

NOTICE OF MOTION
TO DISMISS COMPLAINT

ECF CASE

PLEASE TAKE NOTICE that, upon the accompanying declaration of Rodney Bremer, sworn to July 3, 2007, the accompanying Memorandum, and Plaintiffs' First Amended Complaint (a copy of which is annexed hereto as Exhibit 1), defendant GB II Corp. d/b/a Columbia River Knife And Tool Co., by its attorneys, will move this Court before the Honorable Richard J. Sullivan at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, as soon as counsel can be heard, for an Order:

1. Dismissing the First Amended Complaint pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1406(a) for lack of venue;
2. Transferring this case pursuant to 28 U.S.C. § 1404(a) or 28 U.S.C. § 1406(a);
3. Dismissing or transferring Count II for a declaratory judgment pursuant to the first to file rule;
4. Dismissing Count II for a declaratory judgment pursuant to Federal Rule of Civil Procedure 12(b)(1);
5. Dismissing Count II for a declaratory judgment without prejudice as an improper supplemental claim filed without the leave of Court required by Federal Rule of Civil Procedure 15(d); and
6. Such other and further relief as the Court deems just and proper.

Oral argument will be on a date and at a time designated by the Court.

Dated: October 19, 2007

KLARQUIST SPARKMAN, LLP

By s/ Scott E. Davis

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